

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOANCARE, LLC,

Plaintiff,

-v-

DIMONT & ASSOCIATES, LLC et al.,

Defendants.

22-CV-9286 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On November 1, 2022, the Court ordered Plaintiff to amend its Complaint to affirmatively allege the citizenship of each party. ECF No. 9. On November 3, 2022, Plaintiff filed an amended complaint, ECF No. 10 (“FAC”), but did not cure the jurisdictional pleading defects the Court identified in the original Complaint. Namely, Plaintiff did not allege the state of incorporation *and* principal place of business of the incorporated entities it is comprised of, FAC ¶ 12. *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010). Plaintiff also alleged the residency of the natural person comprising one of the defendants. FAC ¶ 14. For purposes of diversity jurisdiction, however, “a statement of the parties’ residence is insufficient to establish their citizenship.” *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996); *see also Canedy v. Liberty Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997) (“[A]llegations of residency alone cannot establish citizenship . . .”).

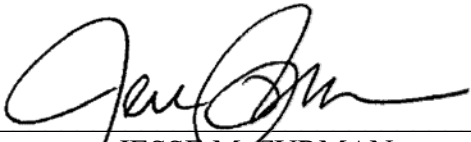
Accordingly, Plaintiff still has until **November 14, 2022**, to amend its complaint to

adequately allege diversity of citizenship. If, by that date, Plaintiff is unable to do so, the Court will dismiss the case without prejudice and without further notice to any party.

Additionally, Plaintiff is reminded that, pursuant to Rule 1.B of the Court's Individual Rules and Practices in Civil Cases, "[a]ny amended or corrected filing (including but not limited to amended pleadings) shall be filed with a redline showing all differences between the original and revised filing."

SO ORDERED.

Dated: November 4, 2022
New York, New York



JESSE M. FURMAN
United States District Judge